CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL   No. 3062

Introduced by Committee on Elections and Redistricting (Umberg (Chair), Wyland (Vice Chair), Karnette, Leno, Levine, and Villines)

March 7, 2006

An act to amend Sections 2146, 9282, 9285, 10703, 13112, and 13113 of, to add Section 10220.5 to, and to repeal Sections 9219 and 9220 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 3062, as amended, Committee on Elections and Redistricting. Elections omnibus bill.

(1) Existing law requires the Secretary of State to annually provide voter registration forms and information to students in all high schools, community colleges, and campuses of the California State University and University of California. Existing law requires that the number of forms be consistent with the number of students enrolled at each school.

This bill would instead require that ~~an appropriate~~ *the* number of forms be ~~given to each school based on~~ *consistent with* the number of students enrolled at each school *who are of voting age or will be of voting age by the end of the year* and would require the Secretary of State to provide additional forms to any school, free of charge, if so requested by a school.

(2) Existing law specifies procedures applicable to the preparation, submittal, and printing of arguments for, against, and rebuttal

arguments to, a measure appearing on the ballot of a city, county, district, or school district election.

Existing law authorizes persons filing an initiative petition in a municipal election to file a written argument in favor of the ordinance and provides that the legislative body may submit an argument against the ordinance pursuant to specified procedures. Existing law also provides that the persons filing the initiative petition may prepare and submit a rebuttal argument not exceeding 250 words and that the legislative body may prepare and submit a rebuttal to the argument in favor of the ordinance not exceeding 250 words pursuant to specified procedures.

This bill would delete these provisions and recast them to provide that persons filing the initiative petition may file a written argument in favor of the ordinance, and the legislative body may submit an argument against the ordinance not exceeding 300 words and that, for measures placed on the ballot by the legislative body, the legislative body may file a written argument for or against any city measure.

(3) The California Constitution and state law provide that judicial, school, county, and municipal offices are nonpartisan offices. Existing law also defines a nonpartisan office as an office for which no party may nominate a candidate and requires candidates for elective office to file a declaration of candidacy for a particular office.

This bill would prohibit a candidate for a municipal office from filing nomination papers for more than one municipal office or term of office for the same municipality in the same election.

(4) Existing law requires that a special election shall be conducted to fill a vacancy in the office of Representative in Congress, State Senator, or Assembly Member on a Tuesday at least 112 days, but not more than 119 days, following the issuance of an election proclamation by the Governor, except as specified.

This bill would extend the time period for holding a special election from at least 112 days to no more than 126 days.

(5) Existing law provides that the order of candidates' names on the ballot of the 5 major election dates is determined by a randomized alphabet drawing conducted by the Secretary of State, with certain requirements, and requires that the first drawing take place on the 82nd day before the April general law city elections and any other elections held at the same time.

Existing law requires that the 4th drawing take place on the 82nd day before the first Tuesday after the first Monday in June of each

odd-numbered year, that the 5th drawing take place on the 82nd day before the first Tuesday after the first Monday in November of the odd-numbered year, and that these dates apply to all candidates on the ballot in the elections held on that date.

This bill would instead require 6 drawings and would require that the first drawing take place on the 82nd day before the April general law city elections of any even-numbered year. The bill would also require that the 4th drawing take place on the 82nd day before the March general law city elections of each odd-numbered year, the 5th drawing take place on the 82nd day before the first Tuesday after the first Monday in June of each odd-numbered year, and the 6th drawing take place on the 82nd day before the first Tuesday after the first Monday in November of the odd-numbered year.

(6) Existing law provides that the order of candidates' names on the ballot of a special district, school district, charter city, or other local government body election, occurring on other than one of the 4 major election dates is determined by a special randomized alphabet drawing conducted by the Secretary of State on the first weekday following the last possible day of filing for the election according to specified requirements.

This bill would revise these provisions to require that the Secretary of State conduct a randomized alphabet drawing on the first weekday following the last possible day of filing in the event there is an extension for the election.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1   SECTION 1. Section 2146 of the Elections Code is amended
2 to read:
3   2146. (a) The Secretary of State shall annually provide every
4 high school, community college, and California State University
5 and University of California campus with voter registration
6 forms. An appropriate number of forms shall be given to each
7 school based on the number of students enrolled at each school.
8 The Secretary of State shall *The number of forms shall be*
9 *consistent with the number of students enrolled at each school*
10 *who are of voting age or will be of voting age by the end of the*

1 *year. The Secretary of State shall* provide additional forms to any
2 school, free of charge, if so requested by a school.
3   (b) The Secretary of State shall provide a written notice with
4 each registration form describing eligibility requirements and
5 informing each student that he or she may return the completed
6 form in person or by mail to the elections official of the county in
7 which the student resides.
8   (c) It is the intent of the Legislature that every high school and
9 college student receive a voter registration card with his or her
10 diploma. It is also the intent of the Legislature that every school
11 do all in its power to ensure that students are provided the
12 opportunity and means to register to vote. This may include
13 providing voter registration forms at the start of the school year,
14 including voter registration forms with orientation materials,
15 placing voter registration forms at central locations, and
16 including voter registration forms with graduation materials.
17   SEC. 2. Section 9219 of the Elections Code is repealed.
18   SEC. 3. Section 9220 of the Elections Code is repealed.
19   SEC. 4. Section 9282 of the Elections Code is amended to
20 read:
21   9282. (a) For measures placed on the ballot by petition
22 placed, the persons filing an initiative petition pursuant to this
23 article may file a written argument in favor of the ordinance, and
24 the legislative body may submit an argument against the
25 ordinance.
26   (b) For measures placed on the ballot by the legislative body,
27 the legislative body, or any member or members of the legislative
28 body authorized by that body, or any individual voter who is
29 eligible to vote on the measure, or bona fide association of
30 citizens, or any combination of voters and associations, may file
31 a written argument for or against any city measure.
32   (c) No argument shall exceed 300 words in length.
33   (d) The city elections official shall include the following
34 statement on the front cover, or if none, on the heading of the
35 first page, of the printed arguments:
36   "Arguments in support or opposition of the proposed laws are
37 the opinions of the authors."
38   (e) The city elections official shall enclose a printed copy of
39 both arguments with each sample ballot; provided, that only
40 those arguments filed pursuant to this section shall be printed and

1 enclosed with the sample ballot. The printed arguments are
2 "official matter" within the meaning of Section 13303.
3   (f) Printed arguments submitted to voters in accordance with
4 this section shall be titled either "Argument In Favor Of Measure
5 ____" or "Argument Against Measure ____," accordingly, the
6 blank spaces being filled in only with the letter or number, if any,
7 designating the measure. At the discretion of the elections
8 official, the word "Proposition" may be substituted for the word
9 "Measure" in such titles.
10   SEC. 5.   Section 9285 of the Elections Code is amended to
11 read:
12   9285.   (a) (1) When an elections official receives an
13 argument relating to a city measure that will be printed in the
14 ballot pamphlet, the elections official shall send a copy of an
15 argument in favor of the proposition to the authors of any
16 argument against the measure and a copy of an argument against
17 the measure to the authors of any argument in favor of the
18 measure immediately upon receiving the arguments.
19   (2) The author or a majority of the authors of an argument
20 relating to a city measure may prepare and submit a rebuttal
21 argument or may authorize in writing any other person or persons
22 to prepare, submit, or sign the rebuttal argument.
23   (3) No rebuttal argument may exceed 250 words.
24   (4) A rebuttal argument relating to a city measure shall be
25 filed with the elections official no later than 10 days after the
26 final filing date for primary arguments.
27   (5) A rebuttal argument relating to a city measure may not be
28 signed by more than five persons and shall be printed in the same
29 manner as a direct argument and shall immediately follow the
30 direct argument which it seeks to rebut.
31   (b) Subdivision (a) applies only if, not later than the day on
32 which the legislative body calls an election, the legislative body,
33 adopts its provisions by majority vote, in which case subdivision
34 (a) applies at the next ensuing municipal election and at each
35 municipal election thereafter, unless later repealed by the
36 legislative body in accordance with the procedures of this
37 subdivision.
38   SEC. 6.   Section 10220.5 is added to the Elections Code, to
39 read:

1   10220.5.   Notwithstanding any other provision of law, a
2 candidate shall not file nomination papers for more than one
3 municipal office or term of office for the same municipality in
4 the same election.
5   SEC. 7.   Section 10703 of the Elections Code is amended to
6 read:
7   10703. (a) A special election to fill a vacancy in the office of
8 Representative in Congress, State Senator, or Member of
9 Assembly shall be conducted on a Tuesday at least 112 days, but
10 not more than 126 days, following the issuance of an election
11 proclamation by the Governor pursuant to Section 1773 of the
12 Government Code, except that any special election may be
13 conducted within 180 days following the proclamation in order
14 that the election or the primary election may be consolidated with
15 the next regularly scheduled statewide election or local election
16 occurring wholly or partially within the same territory in which
17 the vacancy exists, provided that the voters eligible to vote in the
18 local election comprise at least 50 percent of all the voters
19 eligible to vote on the vacancy.
20   (b) Except as provided in Chapter 3 (commencing with
21 Section 10730), a special election or a primary election may not
22 be conducted on the day after a state holiday.
23   SEC. 8.   Section 13112 of the Elections Code is amended to
24 read:
25   13112.   The Secretary of State shall conduct a drawing of the
26 letters of the alphabet, the result of which shall be known as a
27 randomized alphabet. The procedure shall be as follows:
28   (a) Each letter of the alphabet shall be written on a separate
29 slip of paper, each of which shall be folded and inserted into a
30 capsule. Each capsule shall be opaque and of uniform weight,
31 color, size, shape, and texture. The capsules shall be placed in a
32 container, which shall be shaken vigorously in order to mix the
33 capsules thoroughly. The container then shall be opened and the
34 capsules removed at random one at a time. As each is removed, it
35 shall be opened and the letter on the slip of paper read aloud and
36 written down. The resulting random order of letters constitutes
37 the randomized alphabet, which is to be used in the same manner
38 as the conventional alphabet in determining the order of all
39 candidates in all elections. For example, if two candidates with
40 the surnames Campbell and Carlson are running for the same

1 office, their order on the ballot will depend on the order in which
2 the letters M and R were drawn in the randomized alphabet
3 drawing.
4   (b) (1) There shall be six drawings, three in each
5 even-numbered year and three in each odd-numbered year. Each
6 drawing shall be held at 11 a.m. on the date specified in this
7 subdivision. The results of each drawing shall be mailed
8 immediately to each county elections official responsible for
9 conducting an election to which the drawing is applicable, who
10 shall use it in determining the order on the ballot of the names of
11 the candidates for office.
12   (A) The first drawing under this subdivision shall take place
13 on the 82nd day before the April general law city elections of an
14 even-numbered year, and shall apply to those elections and any
15 other elections held at the same time.
16   (B) The second drawing under this subdivision shall take place
17 on the 82nd day before the direct primary of an even-numbered
18 year, and shall apply to all candidates on the ballot in that
19 election.
20   (C) (i) The third drawing under this subdivision shall take
21 place on the 82nd day before the November general election of
22 an even-numbered year, and shall apply to all candidates on the
23 ballot in the November general election.
24   (ii) In the case of the primary election and the November
25 general election, the Secretary of State shall certify and transmit
26 to each county elections official the order in which the names of
27 federal and state candidates, with the exception of candidates for
28 State Senate and Assembly, shall appear on the ballot. The
29 elections official shall determine the order on the ballot of all
30 other candidates using the appropriate randomized alphabet for
31 that purpose.
32   (D) The fourth drawing under this subdivision shall take place
33 on the 82nd day before the March general law city elections of
34 each odd-numbered year, and shall apply to those elections and
35 any other elections held at the same time.
36   (E) The fifth drawing under this subdivision shall take place
37 on the 82nd day before the first Tuesday after the first Monday in
38 June of each odd-numbered year, and shall apply to all
39 candidates on the ballot in the elections held on that date.

1   (F) The sixth drawing under this subdivision shall take place
2 on the 82nd day before the first Tuesday after the first Monday in
3 November of the odd-numbered year, and shall apply to all
4 candidates on the ballot in the elections held on that date.
5   (2) In the event there is to be an election of candidates to a
6 special district, school district, charter city, or other local
7 government body at the same time as one of the five major
8 election dates specified in subparagraphs (A) to (F), inclusive,
9 and the last possible day to file nomination papers for the local
10 election would occur after the date of the drawing for the major
11 election date, the procedure set forth in Section 13113 shall
12 apply.
13   (c) Each randomized alphabet drawing shall be open to the
14 public. At least 10 days prior to a drawing, the Secretary of State
15 shall notify the news media and other interested parties of the
16 date, time, and place of the drawing. The president of each
17 statewide association of local officials with responsibilities for
18 conducting elections shall be invited by the Secretary of State to
19 attend each drawing or send a representative. The state chairman
20 of each qualified political party shall be invited to attend or send
21 a representative in the case of drawings held to determine the
22 order of candidates on the primary election ballot, the November
23 general election ballot, or a special election ballot as provided for
24 in subdivision (d).
25   (d) In the case of any special election for State Assembly,
26 State Senate, or Representative in Congress, on the first weekday
27 after the close of filing of nomination papers for the office, the
28 Secretary of State shall conduct a public drawing to produce a
29 randomized alphabet in the same manner as provided for in
30 subdivisions (a) and (c). The resulting randomized alphabet shall
31 be used for determining the order on the ballot of the candidates
32 in both the primary election for the special election and in the
33 special election.
34   SEC. 9. Section 13113 of the Elections Code is amended to
35 read:
36   13113. (a) In the case of an election of candidates in a
37 special district, school district, charter city (whose charter does
38 not provide to the contrary), or other local government body,
39 occurring on other than one of the election dates specified in
40 subdivision (b) of Section 13112, the official responsible for

1 conducting the election shall, at the same time that the election is
2 called, notify the Secretary of State by registered mail of the date
3 of the election, the date of the close of filing, and the last possible
4 date for filing in the event there is an extension of filing due to an
5 incumbent failing to file. The Secretary of State shall conduct a
6 randomized alphabet drawing pursuant to subdivision (a) of
7 Section 13112 on the first weekday following the last possible
8 day of filing in the event there is an extension for the election.
9   (b) Except as provided for runoff elections in subdivision (d),
10 if two or more drawings for local government elections would
11 occur on the same date, the Secretary of State may use a single
12 randomized alphabet drawing for all of these elections. The
13 Secretary of State shall communicate the results of the drawing
14 by registered mail to each respective official responsible for
15 conducting the election who shall use it to determine the order on
16 the ballot of all candidates' names.
17   (c) All drawings held pursuant to this section shall be open to
18 the public.
19   (d) If a charter city conducts a runoff election it shall use the
20 results of a randomized alphabet drawing separate from the
21 results of the randomized alphabet drawing used for the initial
22 election for that runoff election. The city shall, within three days
23 following the initial election, notify the Secretary of State by
24 registered mail of the date of the election and request that he or
25 she conduct a randomized alphabet drawing for the runoff
26 election. The Secretary of State shall immediately conduct a
27 randomized alphabet drawing for the runoff election and
28 communicate the results of the drawing to the elections official
29 responsible for conducting the runoff election who shall use the
30 results to determine the order of all the candidates' names on the
31 ballot. The results of the randomized alphabet drawing shall be
32 clearly labeled "FOR USE IN A RUNOFF ELECTION ONLY."

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